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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,755

05/16/2006

Ralf Schmeling

18213

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25542

7590

11/15/2007

CNH AMERICA LLC

INTELLECTUAL PROPERTY LAW DEPARTMENT

PO BOX 1895, M.S. 641

NEW HOLLAND, PA 17557

EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/561,755

Applicant(s)

SCHMELING ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/21/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because one of the reference characters "9" should be deleted since there is only one mid-boom. Further, the thickness of the guide bushing 24' is not shown completely surrounding the bearing tube in Figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: the reference to "preamble of claim 1" on paragraph [001] and "patent claim 1" in paragraph [0008] is improper. Note, the specification is not a living document and the scope of "preamble of claim 1" or "claim 1" is likely to change during the course of prosecution. Accordingly, the "features" being referred to must be specifically identified. Appropriate correction is required.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

regarding claim 1, "particularly on a boom on excavators, loaders, cranes, and related equipment" should be deleted due to a broad limitation followed by a narrow limitation. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the recitation "a first component" in lines 2-3, "a second component" in line 3, and "a third component in line 3 makes unclear whether these are the same components recited in line 1 or other components. For this Office action, the examiner has assumed these are the same components. The recitation "a third component acts on the bearing" in lines 3-4 is unclear. Since the third component defines the bearing, how can the third component act on itself, i.e., the bearing? Further, the recitation "by the bearing" in line 3 makes unclear how the second component is by the bearing when the bearing is the claimed invention and being defined by the body of the claim.

Regarding claim 3, the recitation "the bearing points" in line 1 lacks proper antecedent basis.

Regarding claims 2-5, the claims depend from claim 1 and therefore are indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Iverson et al., 4,096,957.

Regarding claim 1, Iverson et al. disclose, in Figure 1, a bearing comprising a first component A1 (see marked-up attachment), a second component 32, a third component 30, and a pin 52. The first component A1 is articulated to the second component 32. The third component 30 acts on the pin 52. The pin 52 has a constant external diameter B1 and extends in a direction of a swiveling axis of the bearing and is borne in a bearing tube 50 having an internal diameter A2 and an external diameter A3. The pin 52 has outer ends A4 protruding from ends A5 of the bearing tube 50. The external diameter A3 of the bearing tube 50 is considerably greater than the external diameter B1 of the pin 50. The first component A1 and the second component 32 are borne alongside each other on the external diameter A2 of the bearing tube 50. The third component 30 is borne on one or both the outer ends A4 of the pin 52.

Regarding claim 3, bearing points of the first component **A1** and the second component **32** are fitted with guide bushes **44,46,54**.

Regarding claim 5, a mid part of the pin **52** has a slightly smaller external diameter than the internal diameter **A2** of the bearing tube **50**.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al., 5,069,509.

Regarding claim 1, Johnson et al. disclose, in Figure 2, a bearing comprising a first component **66**, a second component **A1**, a third component **A2**, and a pin **42**. The first component **66** is articulated to the second component **A1**. The third component **A2** acts on the pin **42**. The pin **42** has a constant external diameter and extends in a direction of a swiveling axis of the bearing and is borne in a bearing tube **44** having an internal diameter and an external diameter. The pin **42** has outer ends **46,47** protruding from ends of the bearing tube **44**. The external diameter of the bearing tube **44** is considerably greater than the external diameter of the pin **42**. The first component **66** and the second component **A1** are borne alongside each other on the external diameter of the bearing tube **44**. The third component **A2** is borne on one or both the outer ends **46,47** of the pin **42**.

Regarding claim 2, the first component **66** has two bearing points **B1** (see marked-up attachment) located on a mid part of the bearing tube **44** and the second component **A1** has two bearing points **34** located alongside the two bearing points **B1** of the first component **66**.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al., 5,069,509, in view of Traktoren, DE-926,532.

Regarding claim 4, Johnson et al., as discussed, fails to disclose the bearing points of the first component and the second component are fitted with guide bushes. Traktoren teaches, in Figure 3, bearing points of a first component 2 and a second component 4 fitted with guide bushes 1,7 to reduce friction between the first component and the second component against a bushing tube 3. Therefore, as taught by Traktoren, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide guide bushes at the bearing points of the first component



and the second component to reduce friction between the first component, the second component, and the bushing tube of Johnson et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

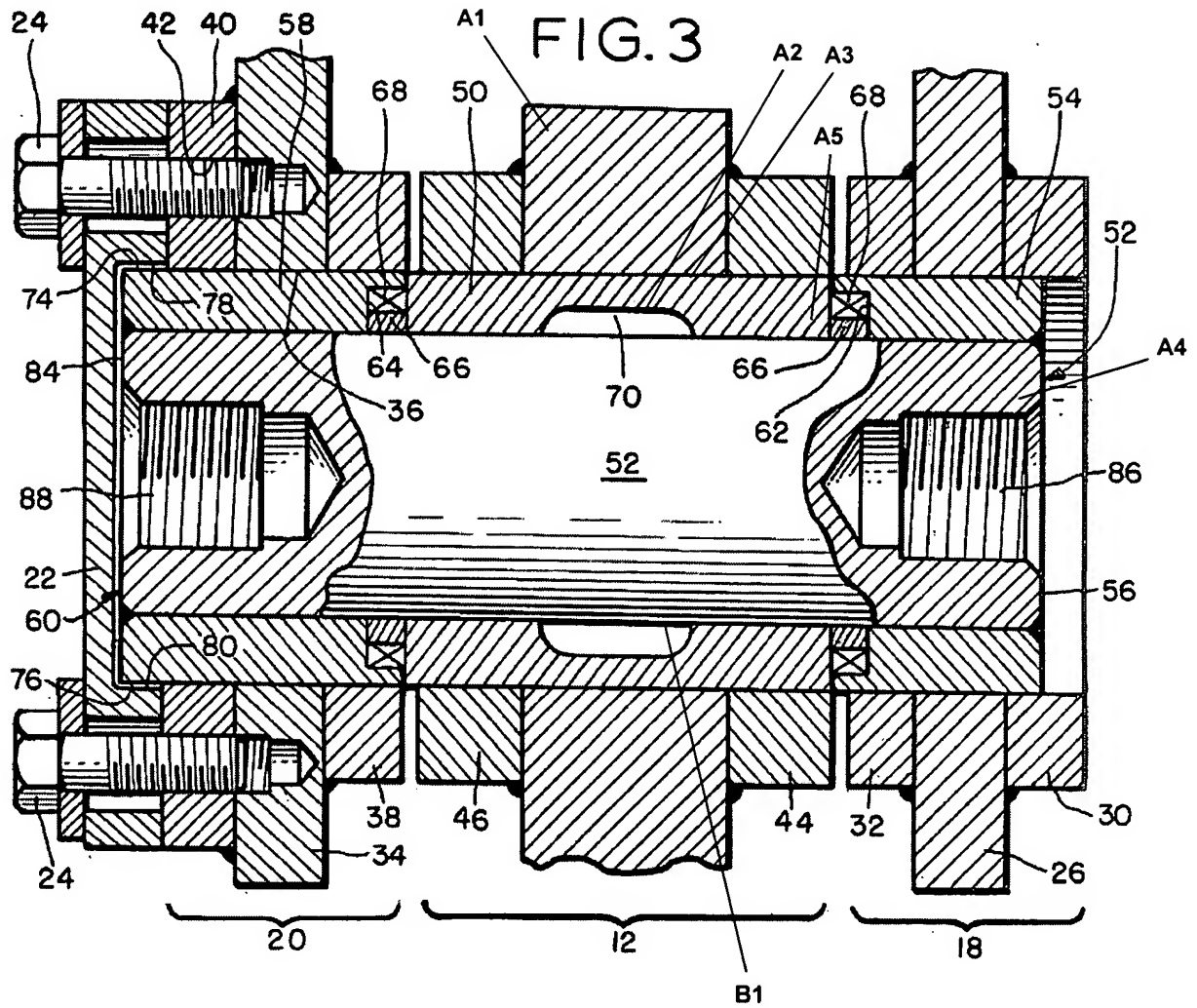
November 8, 2007

Attachment: one marked-up page of Iverson et al., 4,096,957  
one marked-up page of Johnson et al., 5,069,509



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Iverson et al., 4,096,957



Johnson et al., 5,069,509

**FIG. 2.**

